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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,733	07/25/2001	Asa Kling	3613-102P	5601
2292	7590	11/26/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			HANNE, SARA M	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/911,733	Applicant(s) ASA KLING, BJORN SVENSSON	
	Examiner Sara M Hanne	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18, 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/25/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16, 18 and 20-23 are pending in this application. Examiner notes Claims 17 and 19 have been cancelled and newly added Claims 20-23.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-5, 8, 13-14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al., US Patent 6631402, and further in view of Kanor et al., US Patent 6384728.

As in Claim 1, Devine et al. teaches a data-displaying interface with a page including fields for selecting a desired institution (Figure 9g) and a desired period (Figure 9c) along with a button for displaying one of a plurality of reports (Figure 9b, Ref. 323) containing information that corresponds with the selected institution and time period ("dialog screen 296 presented to the user showing all the report customization categories for building a new report and editing an existing report.", Column 19, lines 53-55). While Devine et al. teaches generating an interface for selecting an institution and period and generating reports via a button corresponding to the selected information, they fail to teach generating the information relating to usage of specific

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incontinence products as recited in the claim. In the same field of the invention, Kanor et al. teaches a product monitoring system similar to that of Devine et al. In addition, Kanor et al. further teaches the monitoring of incontinence products (Column 2, lines 35-65). It would have been obvious to one of ordinary skill in the art, having the teachings of Devine et al. and Kanor et al. before him at the time the invention was made, to modify the interface for selecting an institution and period and generating reports via a button corresponding to the selected information taught by Devine et al. to include the incontinence product data of Kanor et al., in order to obtain a reporting system for incontinence product usage. One would have been motivated to make such a combination because a way to monitor usage and spending of incontinence products would have been obtained, as taught by Kanor et al.

As in Claim 2, Devine et al. teaches the page has the means for selecting one or more periods for display on one of the reports (Figure 9c, Ref. 383, 384, 385 and Add button).

As in Claim 4, Devine et al. teaches a subsequent page from button activation, with content being chosen from the last displayed report of the plurality of reports (Figure 10a).

As in Claim 5, Devine et al. teaches a summary report including information pertaining to products used (calls made) in the selected institution and time period (Figure 10a).

As in Claim 8, Devine et al. teaches a method comprising generating a GUI with user selectable fields for specific institutions (Figure 9g), a field for time periods (Figure

9c), a field for number of time periods (Figure 9c, ref. 383), currency type ("may be changed to Number of Minutes; dollars", Column 18, line 64), and a button, which when activated, generates a report (Figure 9b, Ref. 323) chosen from a plurality, that contains information relating to the selected institution and specific time period ("dialog screen 296 presented to the user showing all the report customization categories for building a new report and editing an existing report.", Column 19, lines 53-55). While Devine et al. teaches generating an interface with fields for an institution, time period, number of time periods, currency type and generating reports via a button corresponding to the selected information, they fail to teach generating the information relating to usage of specific incontinence products as recited in the claim. In the same field of the invention, Kanor et al. teaches a product monitoring system similar to that of Devine et al. In addition, Kanor et al. further teaches the monitoring of incontinence products (Column 2, lines 35-65). It would have been obvious to one of ordinary skill in the art, having the teachings of Devine et al. and Kanor et al. before him at the time the invention was made, to modify the interface with fields for an institution, time period, number of time periods, currency type and generating reports via a button corresponding to the selected information taught by Devine et al. to include the incontinence product data of Kanor et al., in order to obtain a reporting system for incontinence product usage. One would have been motivated to make such a combination because a way to monitor usage and spending of incontinence products would have been obtained, as taught by Kanor et al.

As in Claim 13, Devine et al. teaches a method comprising providing a GUI accessible through user login, generating and displaying a report based on user selected institutional information (Figure 9g), and user selected periods of time (Figure 9c) for specific information relating to products used in the institution selected during the periods of time selected (See also Claim 1 rejection *supra*). While Devine et al. teaches the method and GUI for selecting an institution and time period, and generating corresponding reports, they fail to show the data relating to incontinence products as recited in Claim 13. In the same field of the invention, Kanor et al. teaches a product monitoring system similar to that of Devine et al. In addition, Kanor et al. further teaches the monitoring of incontinence products (Column 2, lines 35-65). It would have been obvious to one of ordinary skill in the art, having the teachings of Devine et al. and Kanor et al. before him at the time the invention was made, to modify the GUI and method of querying product usage databases taught by Devine et al. to include the incontinence product data of Kanor et al., in order to obtain a reporting system for incontinence product usage. One would have been motivated to make such a combination because a way to monitor usage and spending of incontinence products would have been obtained, as taught by Kanor et al.

As in Claim 22, While Devine et al. teaches such a system for displaying product usage data, they fail to show the specific information relating to incontinence products is utilized to regulate incontinence care for patients in an institution as recited in the claims. In the same field of the invention, Kanor et al. teaches a product monitoring similar to that of Devine et al. In addition, Kanor et al. further teaches the specific

information relating to incontinence products (Column 2, lines 35-65) is utilized to regulate incontinence care for patients in an institution (Column 5, line 60 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Devine et al. and Kanor et al. before him at the time the invention was made, to modify the product usage reporting system taught by Devine et al. to include the specific incontinence products data used to regulate incontinence care for patients in an institution of Kanor et al., in order to obtain incontinence product usage reports used to regulate incontinence care. One would have been motivated to make such a combination because a way to calculate usage and need of hospital incontinence products would have been obtained, as taught by Kanor et al.

As per Claim 14, while Devine et al. and Kanor et al. teach the reporting system for incontinence products as described *supra*, they fail to show the institution selected through the GUI to be a hospital as recited in Claim 14. Within the field of the invention, it would be obvious to one of ordinary skill in the art for the institutions to include a hospital since they are monitoring incontinence products usage. One would have been motivated to make such a combination because a way to monitor usage and spending of incontinence products in hospitals would have been obtained.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al., US Patent 6631402, and Kanor et al., US Patent 6384728 and further in view of Cunningham et al., US Patent 6029139.

Devine et al. and Kanor et al. teach a method comprising generating a GUI with user selectable fields for specific institutions (Figure 9g), a field for time periods (Figure 9c), a field for number of time periods (Figure 9c, ref. 383), and generating a report (Figure 9b, Ref. 323), that contains information relating to the usage of specific incontinence products pertaining to a selected institution and specific time period ("dialog screen 296 presented to the user showing all the report customization categories for building a new report and editing an existing report.", Column 19, lines 53-55). While Devine et al. and Kanor et al. teach the method and interface for creating reports with information relating to the usage of specific incontinence products from a user selected institution and time period, they fail to show a field for selection currency type to generate the report as recited in the claims. In the same field of the invention, Cunningham et al. teaches a product usage reporting system similar to that of Devine et al. and Kanor et al. In addition, Cunningham et al. further teaches a storage means using different currency types (Table 1, lines 5 and 6). It would have been obvious to one of ordinary skill in the art, having the teachings of Devine et al., Kanor et al. and Cunningham et al. before him at the time the invention was made, to modify the interface for creating reports relating to the usage of specific incontinence products according to a specified institution and time periods taught by Devine et al. and Kanor et al. to include the currency product data of Cunningham et al., in order to obtain an interface for tracking product usage for specific institutions over selected time periods using a specific currency type. One would have been motivated to make such a

combination because an international reporting system for institutions would have been obtained, as taught by Cunningham et al.

5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al., US Patent 6631402 and Kanor et al., US Patent 6384728, and further in view of Amado, US Patent 5701400. Devine et al. and Kanor et al. teach summary reports relating to the usage of specific incontinence products to be generated according to costs (Column 18, line 58 et seq. of Devine et al.). While Devine et al. and Kanor et al. teach reports relating to the usage of specific incontinence products associated with product usage costs, they fail to include a graph pertaining to such data including a cost versus budget graph as recited in the claims. In the same field of the invention, Amado teaches a reporting system similar to that of Devine et al. and Kanor et al. In addition, Amado further teaches cost graphs pertaining to stored product usage/consumption and budget (Figure 55 and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Devine et al. and Kanor et al. and Amado before him at the time the invention was made, to modify the product usage interface and reporting system relating to the usage of specific incontinence products taught by Devine et al. and Kanor et al. to include the cost and budget graphs for product usage of Amado, in order to obtain a graph representing the cost and budget figures for product usage relating to the usage of specific incontinence products pertaining to a specific institution and time period. One would have been motivated to make such a combination because a graphical representation of the analysis data results would have been obtained, as taught by Amado.

6. Claims 9-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al., US Patent 6631402 and Kanor et al., US Patent 6384728, and further in view of Anderson et al., US Patent 5974396.

As in Claims 9-10 and 15, Devine et al. and Kanor et al. teach producing a summary report (Figure 10a) and detail report that may be opened from the summary report interface (Open button) relating to the usage of specific incontinence products. While Devine et al. and Kanor et al. teach generating such reports, they fail to teach generating a Summary report including information relating to major specific incontinence product groups as recited in Claim 10 the creation of a Ward Report as recited in Claims 9 and 15. Anderson et al. teaches a data storage and reporting system similar to that of Devine et al. In addition Anderson et al. teaches generation of ward reports ("Point of sale system functioning within the actual retail environment" Column 12, lines 51-52). Further Anderson et al. teaches major product groups in a Summary report (Summary level with product clusters, Figure 12b and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Devine et al. and Kanor et al. and Anderson et al. before him at the time the invention was made, to modify the interface for creating summary and detailed reports relating to the usage of specific incontinence products according to a specified institution and time periods taught by Devine et al. and Kanor et al. to include the ward report and major product group summary report of Anderson et al., in order to obtain an interface for presenting product usage by major product groups, detailed reports, and ward reports over selected time periods. One would have been motivated to make such a

combination because a detailed reporting system for product usage would have been obtained, as taught by Anderson et al.

As in Claim 11, Devine et al. and Kanor et al. teach major product groups comprised of specific incontinence products related to a major product group (Claim 8 rejection *supra*, and Column 2, lines 35-65 of Kanor et al.).

As in Claims 12, Devine et al. and Kanor et al. teach the detailed report including information relating to specific incontinence products of a major product group (Claim 8 rejection *supra*, and Column 2, lines 35-65 of Kanor et al.).

7. Claims 16, 18, 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., US Patent 5974396, and further in view of Kanor et al., US Patent 6384728.

As in Claims 16 and 23, Anderson et al. a product cost control method comprising storing data representative of product use ("The data is transaction data that describes the sales of a given product" Column 2, line 67 – Column 3, line 1), creating a GUI accessible by a user including access to a plurality of reports containing information based on the data ("various queries and requests of the consumer product purchase repository 26 are formatted and transmitted by a retailer via user interfaces 60 and 66", Column 8, lines 15-19), and providing an interface from one of the reports containing administrator analysis information pertaining to the data ("Repository Changes – Updates made by database information administrator to the database via the retailer interface", Column 14, lines 14-17), the analysis information to be related to product usage over a specific period of time (Column 10, line 29 – Column 11, line 19). While

Anderson et al. teaches such a system for displaying product usage data, they fail to show the data relating to incontinence products as recited in the claims. In the same field of the invention, Kanor et al. teaches a product monitoring similar to that of Anderson et al. In addition, Kanor et al. further teaches an incontinence monitoring system (Column 2, lines 35-65). It would have been obvious to one of ordinary skill in the art, having the teachings of Anderson et al. and Kanor et al. before him at the time the invention was made, to modify the product usage reporting system taught by Anderson et al. to include the incontinence products of Kanor et al., in order to obtain incontinence product usage reports. One would have been motivated to make such a combination because a way to monitor usage and spending of hospital incontinence products would have been obtained, as taught by Kanor et al.

As in Claim 18, Anderson further teaches the analysis information to be related to product usage over a specific period of time (Column 10, line 29 – Column 11, line 19).

As in Claim 20, Anderson et al. teaches such a system for displaying product usage data, they fail to show the teaches the administrator analysis information pertaining to the data is utilized to regulate incontinence care for patients in an institution as recited in the claims. In the same field of the invention, Kanor et al. teaches a product monitoring similar to that of Anderson et al. In addition, Kanor et al. further teaches the administrator analysis information pertaining to the data is utilized to regulate incontinence care (Column 2, lines 35-65) for patients in an institution (Column 5, line 60 et seq.) It would have been obvious to one of ordinary skill in the art, having the teachings of Anderson et al. and Kanor et al. before him at the time the invention

was made, to modify the product usage reporting system taught by Anderson et al. to include the incontinence products data used to regulate incontinence care of Kanor et al., in order to obtain incontinence product usage reports used to regulate incontinence care. One would have been motivated to make such a combination because a way to calculate usage and need of hospital incontinence products would have been obtained, as taught by Kanor et al.

As in Claim 21, Anderson et al. teaches such a system for displaying product usage data, they fail to show the administrator analysis information pertaining to the data is utilized to create a specific manufacturing cycle of the incontinence products as recited in the claims. In the same field of the invention, Kanor et al. teaches a product monitoring similar to that of Anderson et al. In addition, Kanor et al. further teaches the administrator analysis information pertaining to the data is utilized to create a specific manufacturing cycle of the incontinence products (Col. 22, lines 12-44). It would have been obvious to one of ordinary skill in the art, having the teachings of Anderson et al. and Kanor et al. before him at the time the invention was made, to modify the product usage reporting system taught by Anderson et al. to include the incontinence products data used to create a manufacturing cycle of incontinence products of Kanor et al., in order to obtain an incontinence product usage cycle incontinence care. One would have been motivated to make such a combination because a way meet the needs of hospital's incontinence product usage would have been obtained, as taught by Kanor et al.

Response to Arguments

Applicant's arguments with respect to Claims 1-16, 18 and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the argument that Devine et al. alone fails to anticipate claim 1 **as amended** the examiner agrees, however the Claim as amended is rejected by Devine et al. in further view of Kanor et al. as seen *supra*.

With respect to the argument that Anderson et al. alone fails to anticipate claim 16 **as amended** the examiner agrees, however the Claim as amended is rejected by Anderson et al. in further view of Kanor et al. as seen *supra*.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "**identifying** particular incontinence products") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Devine et al.

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teaches the interface for various types of reports irregardless of the type of data being presented and solves the same problems presented in the claims.

With respect to the argument that Kanor et al. does not teach, storing usage information about these products, the examiner disagrees. Even in the abstract Kanor et al. states "the time at which a care giver has attended to the condition may be recorded", which is usage information stored about a product, ie. when it is used.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar reporting devices for incontinence monitoring systems.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Smh


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